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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,526	12/20/2005	Kenji Ookura	P28917	9812
7055 7590 12/04/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER GUSHI, ROSS N	
			ART UNIT 2833	PAPER NUMBER
			NOTIFICATION DATE 12/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/561,526

Applicant(s)

OOKURA, KENJI

Examiner

Ross N. Gushi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/07
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-14 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) ✓ is/are rejected. 1, 3-6, 9, 10
- 7) ☒ Claim(s) 7, 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/07 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 is dependent on canceled claim 2. The limitations are given little weight.

Claim Rejections - 35 USC § 102 and 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national

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application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi et al. ("Igarashi"). Per claim 1, Igarashi discloses a connector comprising a header having a header body formed of an insulation material, and plural pairs of a plurality of header posts (28ai) held on both side walls of the header body, the header body having header reinforcing metal fittings 30 which are not electrically connected to a land of the circuit board, and a cross-section of fixed portions of the header reinforcing metal fittings, when viewed in a longitudinal direction of the socket, being substantially the same as a cross-section of a terminal end of the header posts; and a socket 20 comprising a socket body formed of an insulation material and a plug groove configured to engage the header, the socket having a plurality of socket contacts held on side walls of the plug groove, the socket contacts being configured to contact with the header posts when the header engages the plug groove, a pair of socket reinforcing metal fittings 32 inserted into end portions of the socket body and extending in a width-wise direction of the socket, wherein the socket reinforcing metal fittings reinforce the socket

body, the pair of the socket reinforcing metal fittings protruding outwardly from side walls of the plug groove in the width-wise direction of the socket, each of the socket reinforcing metal fittings having a pair of fixed portions configured to be soldered on lands of a circuit board and a coupler which connects the fixed portions, the socket reinforcing metal fittings being embedded in an end portion of the socket body and extending in the width-wise direction of the socket body. To the extent that the scope of the limitation of the cross section of the header metal fitting being "substantially" the same as the cross section of a terminal end is debatable, at the time of the invention, it would have been obvious to vary the cross section of either the terminal ends of the header posts or the fixed portion of the metal fitting as desired. The suggestion or motivation for doing so would have been for example to achieve a desired impedance for the posts, to simplify manufacturing of the parts (since the same metal sheet could be used to form both posts and metal fittings), or to achieve the necessary level of strength of connection of the connector to the board, such motivations being known in the art. Claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention. Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984).

Claims 3, 4, 5, 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igarashi in view of Okura. Per claims 3, 4, 9, and 10 Igarashi does not disclose a protrusion and a concavity. Okura discloses a protrusion and a concavity (see previously supplied attachment) as claimed. At the time of the invention, it would

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have been obvious to include a protrusion and concavity on the Igarashi header posts as taught in Okura. The suggestion or motivation for doing so would have been to provide a latching engagement between the connectors as taught in Okura (col. 4 lines 40-46) and as is well known in the art.

Per claim 5, the protrusion comprising a slanted face provided on an outer face of the protrusion so that a dimension of the protrusion becomes larger becomes larger as the slanted face extends towards the second face in a height-wise direction of the header post (see previously supplied attachment)

Per claim 6 the concavity comprises an elongated channel extending in the heightwise direction of the header post.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons previously noted.

Response to Arguments

Applicant's arguments have been considered. With respect to Igarashi, applicant argues Igarashi does not disclose the header body, posts, fittings, etc. The examiner maintains that Igarashi discloses the elements for which Igarashi is cited by the examiner.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion or motivation for doing so would have been to provide a latching engagement between the connectors as taught in Okura (col. 4 lines 40-46) and as is well known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROSS GUSHI
PRIMARY EXAMINER

